

oxidizing, in response to said applying, at least a portion of the metal layer to form a metal oxide to function as a dielectric layer.

50. (Amended) The method of claim 38, wherein the metal layer includes titanium [and conductive layer includes polysilicon].

51. (Amended) The method as specified in Claim 50, further comprising:  
forming the [first] metal layer from at least one of titanium, copper, gold, tungsten and nickel.

76. (Amended) A method of forming a capacitor, comprising:  
forming [an electrically isolated] a polysilicon layer overlying a substrate, the polysilicon layer having portions electrically isolated from one another;  
forming a conformal metal layer atop the polysilicon layer portions;  
electrolytically oxidizing at least a portion of the conformal metal layer; and  
covering the oxidized portion of the metal layer with a conductive layer.

### **REMARKS**

Applicant has carefully reviewed and considered the Office Action mailed on June 18, 2002, and the references cited therewith.

Claims 37, 50, 51, and 76 are amended. As a result, claims 2-6, 10-18, 29-38, 50-52, 76 and 77 remain pending in this application.

### **35 USC §112 Rejection of the Claims**

#### **Claims 51 and 52**

Claims 51 and 52 were rejected under 35 USC § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.